



12-27-04

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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number 10/646,396

Filing Date August 21, 2003

First Named Inventor Shattuck et al.

Group Art Unit 1653

Examiner Name K. Carlson

Total Number of Pages in This Submission 3

Attorney Docket Number 1309.05

### ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
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<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Preliminary Amendment
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Other Enclosure(s) (please identify below):
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<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

Remarks

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual Name	JONATHAN A. BAKER, REG. NO. 49,022
Signature	
Date	12/22/04

### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated below and is addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. Express Mail Label No. EV 329265400 US

Typed or printed name	Stacey L. Stamper	Date	December 22, 2004
Signature			



Attorney Docket No. 1309.05

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors: Shattuck et al.

Application No.: 10/646,396

Filed: August 21, 2003

For: DEPRESSION GENE

Group Art Unit: 1653

Examiner: K. Carlson

CERTIFICATE OF EXPRESS MAIL

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I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated below and is addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Stacey L. Stamper  
Stacey L. Stamper

12/22/04  
Date

**RESPONSE TO  
RESTRICTION REQUIREMENT**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants herein acknowledge the restriction requirement in the above-referenced application. Applicants hereby elect the claims of Group V, claims 13-17, drawn to methods of screening drug candidates for treating depression via APAF1 levels, with traverse.

Applicants traverse the restriction requirement on the grounds that there is not a serious burden on the Examiner to examine the inventions. There is not a serious burden on the Examiner to examine the inventions carved into Groups I-VI because searching the subject matter of one group necessarily searches the other groups (*i.e.*, searching with APAF1 will reveal all art related to APAF1 including nucleic acids, antibodies, protein complexes, screening, etc.) An application must be examined on its merits even if it has


independent or distinct inventions, as long as a serious burden is not put on Examiner to search and examine the application. (MPEP § 803, Restriction – When Proper.)  
Applicants, therefore, respectfully request withdrawal of the restriction requirement.

### CONCLUSION

Applicants note the filing of a Preliminary Amendment on July 2, 2004, which filing was not acknowledged in the outstanding Office Action. Should the Preliminary Amendment have failed for some reason to have been entered in the Office file, Applicants' will provide a courtesy copy to the Examiner.

It is not believed that any time extension or fees are required with this response. If this is incorrect, an extension of time as deemed necessary is hereby requested, and the Commissioner is hereby authorized to charge any appropriate fees or deficiency or credit any overpayment to Deposit Account no. **50-1627**.

Respectfully submitted,

  
Jonathan A. Baker, Ph.D.  
Registration No. 49,022

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Date: December 22, 2004